

117TH CONGRESS  
1ST SESSION

# S. 2380

To amend title 23, United States Code, to improve the safety of children purchasing food items from frozen dessert trucks.

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IN THE SENATE OF THE UNITED STATES

JULY 19, 2021

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 23, United States Code, to improve the safety of children purchasing food items from frozen dessert trucks.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Tristan’s Law”.

5       **SEC. 2. RESERVATION OF FUNDS TO INCREASE SAFETY OF**  
6                   **FROZEN DESSERT TRUCK PATRONS.**

7       (a) FINDINGS.—Congress finds that—

8                   (1) in 2016, more than 20 percent of the 1,233  
9                   children killed in traffic crashes were pedestrians;

1                             (2) frozen dessert trucks present a very specific  
2 hazard for children;

3                             (3) in approaching, or departing from, a frozen  
4 dessert truck—

5                             (A) children may pay little attention to  
6 traffic; and

7                             (B) the truck may screen the children from  
8 driver visibility;

9                             (4) States and units of local government have  
10 issued ordinances to modify the behavior of drivers  
11 in the vicinity of frozen dessert trucks to reduce  
12 speeds and improve the safety of children approach-  
13 ing, or departing from, the trucks;

14                             (5) requiring drivers to come to a complete stop  
15 before passing a frozen dessert truck that is stopped  
16 to vend can reduce safety threats posed to children;

17                             (6) requiring frozen dessert trucks to be  
18 equipped with flashing signal lamps, a stop signal  
19 arm, a convex mirror, and a front crossing arm can  
20 reduce safety threats posed to children visiting the  
21 trucks; and

22                             (7) the Federal Government can play a role in  
23 reducing pedestrian injuries associated with frozen  
24 dessert truck operations.

1       (b) NATIONAL PRIORITY SAFETY PROGRAMS RES-  
2 ERVATION OF FUNDS.—Section 405 of title 23, United  
3 States Code, is amended—

4           (1) in subsection (a)—

5              (A) in paragraph (7), by striking “5 per-  
6 cent” and inserting “4 percent”;

7              (B) in paragraph (8)—

8                  (i) by striking “through (7)” and in-  
9 serting “through (8)”; and

10                  (ii) by striking “through (h)” and in-  
11 serting “through (i)”;

12              (C) by redesignating paragraphs (8)  
13 through (10) as paragraphs (9) through (11),  
14 respectively; and

15              (D) by inserting after paragraph (7) the  
16 following:

17              “(8) SAFETY OF FROZEN DESSERT TRUCK PA-  
18 TRONS.—In each fiscal year, 1 percent of the funds  
19 provided under this section shall be allocated among  
20 States that adopt and implement laws to increase  
21 the safety of frozen dessert truck patrons (as de-  
22 scribed in subsection (i)).”; and

23              (2) by adding at the end the following:

24              “(i) SAFETY OF FROZEN DESSERT TRUCK PA-  
25 TRONS.—

1           “(1) DEFINITION OF FROZEN DESSERT  
2 TRUCK.—In this subsection, the term ‘frozen dessert  
3 truck’ means a motor vehicle in which 1 or more fro-  
4 zen desserts (within the meaning of part 135 of title  
5 21, Code of Federal Regulations (or successor regu-  
6 lations)) are carried on the highway for purposes of  
7 retail sale from a door or window of the motor vehi-  
8 cle to an individual consumer at any location.

9           “(2) GENERAL AUTHORITY.—Subject to the re-  
10 quirements of this subsection, the Secretary shall  
11 award grants to States for the purpose of estab-  
12 lishing and implementing laws (including regula-  
13 tions) that require frozen dessert trucks to be  
14 equipped as described in paragraph (3).

15           “(3) FROZEN DESSERT TRUCK EQUIPMENT.—  
16 For purposes of paragraph (2), a frozen dessert  
17 truck shall be equipped with each of the following:

18           “(A) SIGNAL LAMPS.—1 or more signal  
19 lamps that—

20           “(i) are mounted—

21                “(I) at the same level; and

22                “(II) as high on the frozen des-  
23 sert truck, and as widely spaced lat-  
24 erally, as is practicable;

1                 “(ii) are not less than 5, and not more  
2                 than 7, inches in diameter; and

3                 “(iii) display 2 alternately flashing red  
4                 lights visible at a distance of not less than  
5                 500 feet, to the front and rear of the fro-  
6                 zen dessert truck, in normal sunlight on a  
7                 straight, level highway.

8                 “(B) STOP SIGNAL ARM.—

9                 “(i) IN GENERAL.—A stop signal  
10                 arm—

11                 “(I) that can be extended hori-  
12                 zontally from the left side of the fro-  
13                 zen dessert truck;

14                 “(II) when extended—

15                 “(aa) the side nearest the  
16                 frozen dessert truck of which  
17                 shall be—

18                 “(AA) 7.25 inches long;  
19                 and

20                 “(BB) parallel to the  
21                 side of the frozen dessert  
22                 truck;

23                 “(bb) the side farthest from  
24                 the frozen dessert truck of which  
25                 shall be—

1                         “(AA) 18 inches long;

2                         and

3                         “(BB) parallel to the

4                         side nearest the frozen des-

5                         sert truck;

6                         “(cc) the 2 sides of which

7                         shall be 18 inches apart, creating

8                         a symmetrical, trapezoidal shape;

9                         and

10                         “(dd) the bottom of which

11                         shall be approximately 42 inches

12                         above the street;

13                         “(III) the outside corners of

14                         which—

15                         “(aa) when extended, fea-

16                         ture 2 alternately flashing red

17                         lights, each of which shall be—

18                         “(AA) not less than 3,

19                         and not more than 5, inches

20                         in diameter; and

21                         “(BB) visible at a dis-

22                         tance of not less than 300

23                         feet, to the front and rear of

24                         the frozen dessert truck, in

normal sunlight on a straight, level highway; and “(bb) are rounded to conform to the shape of the lights described in item (aa); and “(IV) both sides of which shall feature— “(aa) a red, reflectorized background; and “(bb) a legend described in clause (ii).

“(ii) DESCRIPTION OF LEGEND.—A legend referred to in clause (i)(IV)(bb) is a legend in which— “(I) the word ‘STOP’ appears in 6-inch-high white letters, not to exceed 4 inches in length, in the middle of the stop signal arm;

“(II) above the word ‘STOP’, the phrase ‘IF SAFE’ appears in 2-inch-high white letters, not to exceed 1.75 inches in length;

“(III) below the word ‘STOP’, the phrase ‘THEN GO’ appears in 2-

1                   inch-high white letters, not to exceed  
2                   1.75 inches in length; and

3                   “(IV) the colors (including the  
4                   colors of the background) conform to  
5                   the requirements described in the  
6                   Manual on Uniform Traffic Control  
7                   Devices for Streets and Highways  
8                   published by the Federal Highway  
9                   Administration.

10                  “(C) MIRROR.—A convex mirror mounted  
11                  on the front of the frozen dessert truck in a  
12                  manner that ensures that the operator of the  
13                  frozen dessert truck, when sitting in a normal  
14                  operating seating position, is capable of seeing  
15                  the area in front of the frozen dessert truck  
16                  that, absent the mirror, would be obscured by  
17                  the hood of the frozen dessert truck.

18                  “(D) FRONT CROSSING ARM.—A front  
19                  crossing arm—

20                  “(i) that is—

21                  “(I) attached to the front bumper  
22                  of the frozen dessert truck; and

23                  “(II) hinged from the right side  
24                  of the frozen dessert truck;

1                 “(ii) the bottom of which shall be not  
2                 less than 16, and not more than 20, inches  
3                 above the street;

4                 “(iii) that is—

5                         “(I) made of any durable mate-  
6                 rial; and

7                         “(II) covered with yellow or white  
8                 reflective material; and

9                 “(iv) that extends—

10                         “(I) in conjunction with the stop  
11                 signal arm described in subparagraph  
12                 (B);

13                         “(II) when extended outward in  
14                 front of the frozen dessert truck, not  
15                 less than 4, and not more than 6, feet  
16                 parallel to the street; and

17                         “(III) when retracted against the  
18                 front of the frozen dessert truck, not  
19                 past the width of the frozen dessert  
20                 truck on the left side of the frozen  
21                 dessert truck operator.

22                 “(4) GRANT AMOUNT.—The allocation of grant  
23                 funds to a State under this subsection for a fiscal  
24                 year shall be in proportion to the apportionment of  
25                 the State under section 402 for fiscal year 2009.

1           “(5) STUDY.—

2               “(A) IN GENERAL.—The Secretary shall  
3                   conduct a study of—

4                       “(i) the extent of pedestrian injuries  
5                           and fatalities relating to frozen dessert  
6                           trucks, including the percentage of those  
7                           injuries and fatalities experienced by chil-  
8                           dren;

9                       “(ii) potential countermeasures to  
10                          modify the behavior of drivers in the vicin-  
11                          ity of frozen dessert trucks to reduce  
12                          speeds and improve safety when children  
13                          approach the frozen dessert trucks; and

14                       “(iii) the feasibility of requiring oper-  
15                          ators of frozen dessert trucks not to stop  
16                          or park the frozen dessert trucks to vend  
17                          to a child in any location at which the  
18                          child would be required to cross a highway  
19                          to approach the frozen dessert truck.

20               “(B) COUNTERMEASURES FOR STATES.—

21               Based on the results of the study under sub-  
22                   paragraph (A), the Secretary, acting through  
23                   the Administrator of the National Highway  
24                   Traffic Safety Administration, shall issue guid-  
25                   ance for State highway safety officers relating

1       to methods of improving the safety of frozen  
2       dessert trucks and frozen dessert truck patrons.

3           “(C) REPORT.—The Secretary shall sub-  
4       mit to the Committee on Commerce, Science,  
5       and Transportation of the Senate and the Com-  
6       mittee on Transportation and Infrastructure of  
7       the House of Representatives a report describ-  
8       ing the results of the study under subparagraph  
9       (A).”.

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